



MTANZ DENTAL CODE OF PRACTICE
for the
NEW ZEALAND DENTAL INDUSTRY

(Special Interest Group of the Medical Technology Association of New Zealand)

MTANZ DENTAL CODE OF PRACTICE

Preamble

Goal and Scope of The Code

The purpose of the Code is to ensure high ethical interactions and socially acceptable behaviour within the Dental Industry and ensure the Oral Healthcare Professional, the Regulator and the New Zealand community can have confidence in their dealings with the Dental Industry and its Products and services.

The Code is not intended to supplant or supersede New Zealand law, regulations or professional codes including those that may be applied to individual companies.

The code represents an act of self regulation in the first instance. MTANZ Members should also acknowledge that The Code is to be applied in the spirit as well as the letter of the Code.

Any business that is not an MTANZ Member is also invited to accept and observe the Code because it is considered that the high ethical standards to be followed should apply to the Dental Industry as a whole if it is to maintain the confidence of all the stakeholders that it serves.

Many Member businesses may have internal Codes of Conduct prescribed by their parent organisations. This Code is not intended to override the provisions of any internal code, should that mandate a higher level of performance of a stricter code of behaviour.

There are several industry codes applying to different therapeutic sectors. It is the intention that the Code applies to the supply of Dental Technology Products. Where there is another therapeutic industry code that is more relevant then that code will generally be the more appropriate code.

Definitions

1	Definitions in the Code: Where a word is used with a capital letter at the beginning then it has the meaning given to it in the definitions clause.
1.1	Advertisement in relation to a Product, includes any statement, pictorial representation or design, however made, that is intended whether directly or indirectly to promote the use or supply of a Product and includes a service offered in relation to a Product.
1.2	Advertising Code means the Advertising Standards Authority in New Zealand, as amended or replaced from time to time.
1.3	Association means the Medical Technology Association of New Zealand Inc (MTANZ)
1.4	Authorised Representative means the person nominated by a voting Member of MTANZ under its constitution to represent and vote on behalf of the voting Member.
1.5	Board means the Board of Directors of MTANZ.
1.6	Breach means a failure to comply with any provision of the Code.
1.7	Code means the MTANZ Dental Code of Practice as amended from time to time.
1.8	Code of Practice Committee (CPC) means the committee established in accordance with clause 16.1 to review and evaluate the Code and its administration.
1.9	Company means any entity in the Dental Industry dealing with Oral Healthcare Professional
1.10	Company Representative means any person or entity engaged in representing, acting for or advancing the interests of a Company in the New Zealand market pursuant to any agreement, arrangement or understanding between that person or entity and the Company, including a contract of employment or other employment arrangement, or any agency or consultancy arrangement.
1.11	Complainant means a person who lodges a Complaint with MTANZ under the Code.
1.12	Complaint means a complaint lodged with MTANZ under the Code.
1.13	Conference Organiser means the organiser of a Third Party Educational Conference.
1.14	Consumer means a person who may undergo a medical procedure or treatment in which a Dental Technology may be used or who may acquire a Dental Technology for use in relation to their own health, but does not include an Oral Healthcare Professional.
1.15	Consumer Representative is a representative from a Health Consumer Organisation or industry patient support group.
1.16	Dental Industry means that sector of the healthcare industry, dealing with Oral Healthcare Professionals, that is engaged in the manufacture and/or importation and/or distribution of Dental/Medical Products and Technology.
1.17	Dental Technology includes Medical Devices, technologies and related services and therapies used to diagnose, treat, monitor, manage and alleviate dental health conditions and disabilities.
1.18	Education and Training means the provision of educational material, Product specifications, lectures and /or professional development in relation to Dental Products.
1.19	Entertainment includes sporting events, musical and other Entertainment.
1.20	Hospitality means the provision of accommodation, food and / or beverages.
1.21	Inducement means inappropriate influence.

1.22	Institution means an Institution, corporation, government body, agency or committee and any other organisation involved in the purchase or other acquisition, supply or distribution, assessment, funding or recommendation of Dental Technologies (other than the Company's contracted distributors), the administration or regulation of Dental Technology or the provision of information and education in relation to Dental Technology.
1.23	Laws and Regulation means any law or regulation in force in New Zealand (as applicable to the relevant Association) to which any act or omission the subject of the Code applies.
1.24	Medical Device has the meaning given to it in <i>New Zealand Medicines Act 1981</i> , as amended from time to time.
1.25	Member means any Company, including its employees, that is a Member of MTANZ, or any other person or Company from the Dental Industry who submits to the complaints process and outcomes in accordance with the provisions of the Code.
1.26	MTANZ means Medical Technology Association of New Zealand.
1.27	Oral Healthcare Professional means any registered dentist, dental specialist, dental therapist, dental hygienist, oral health therapist, clinical dental technician and student of dental or oral health care in addition to any individual in a profession falling within the responsibility of a national Board operating under the auspices of the Dental Council of New Zealand. This definition includes a person under the direction and control of a Oral Healthcare Professional.
1.28	Product means any dental good or service offered for sale by a Company to an Oral Healthcare Professional falling within the scope of 1.18.
1.29	Professional Association means a clinical or other professional body representing Oral Healthcare Professionals.
1.30	Promotion in relation to a Medical Technology, means any activity that, directly or indirectly, promotes or encourages the use, acquisition or other supply of the Medical Technology, by purchase, sale or otherwise, or discourages such use, acquisition or supply of a competing Medical Technology, and includes the publication or dissemination of an Advertisement.
1.31	Regulator means a government agency performing a statutory regulatory function.
1.32	Respondent means, in relation to a Complaint, the Company whose conduct is the subject of the Complaint.
1.33	Sponsor in relation to a therapeutic product, means the holder of a product licence in relation to that Product.
1.34	Third Party Educational Conference means a conference or event sponsored or conducted for Oral Healthcare Professionals for the genuine purpose of promoting scientific or medical knowledge or the delivery of effective healthcare.
1.35	Trade Display means a display of a Dental Technology or an Advertisement or Educational Material about a Dental Technology.
1.36	Training and Education means the provision of Educational Material, Product specification material, lectures and training sessions to Oral Healthcare Professional in relation to Dental Technologies.

The Code

<p>2</p>	<p>General Principles</p> <p>The purpose of the Code is to ensure high ethical standards and socially acceptable behaviour within the Dental Industry and ensure that the Oral Healthcare Professional, the Regulator and the New Zealand community can have confidence in their dealings with the Dental Industry, and its Products.</p> <p>The Code provides guidance to Dental Industry practice standards which shall apply to business practices in the Dental Industry. Companies are obliged, as a condition of Membership of MTANZ, to accept and observe all provisions of the Code. In accepting and observing the Code, Companies should comply with both the letter and the spirit of the Code. As the Code provides guidance to a minimum standard, a Company should also have regard to its own company code which might provide for a higher standard.</p>
<p>2.1</p>	<p>Companies at all times should comply with provisions of all relevant legislative requirements.</p>
<p>2.2</p>	<p>Companies should not engage, directly or indirectly, or be knowingly concerned in any unethical behaviour, misleading or deceptive conduct, or unfair or unconscionable practice.</p>
<p>2.3</p>	<p>Companies should place the highest priority on the safety and welfare of users and beneficiaries of their dental technologies.</p>
<p>2.4</p>	<p>Companies that are not Members of MTANZ but which are engaged in the Dental Industry are invited to accept and observe the Code.</p>
<p>2.5</p>	<p>The Code is not intended:</p> <ul style="list-style-type: none"> a. to provide, nor shall it be construed as, legal advice; or b. to take precedence over any relevant law or regulation. To the extent that any provision of the Code conflicts with a law or regulation, that law or regulation will take precedence.
<p>3</p>	<p>Staff and Training</p>
<p>3.1</p>	<p>Code of Practice</p> <p>Members should ensure that every Company Representative undertakes an education program in the Code of Practice that complies with Association's guidelines.</p> <p>Members should ensure that every employee employed in a role which involves promotional activities on behalf of the Company undertakes an education program on the Code approved by the Association within the first six months of employment in the role.</p>
<p>3.2</p>	<p>Company Representatives must conduct themselves at all times in an ethical and professional manner. They must not offer any Inducement or payment, or engage in unconscionable behaviour in their dealings with Oral Healthcare Professionals that will influence the way the Oral Healthcare Professional provides care. They must ensure that their meetings are conducted in a professional manner and that their behaviour is at all times reasonable and responsible.</p>
<p>3.3</p>	<p>Company Representatives must ensure that their behaviour does not, or does not appear to, compromise the independence or professional integrity of any other Oral Healthcare Professional.</p>

4	Advertising Promotion of Products
4.1	<p>An Advertisement must comply:</p> <ol style="list-style-type: none"> a. with the New Zealand Advertising Standards Authority Therapeutic Products Code of Practice; b. with the Therapeutic Advertising Pre-vetting System (TAPS) when advertising direct to Consumers; c. with New Zealand relevant Laws and Regulations; d. Companies should undertake and encourage ethical business practices and socially responsible Dental Industry conduct and should not use any inappropriate Inducement or offer any personal benefit or advantage in order to promote or encourage the use of its Products.

5	Interactions With Oral Healthcare Professionals
	<p>Ethical interactions between Companies and Oral Healthcare Professionals enhance patient access to the safe and effective use of Dental Technologies by ensuring appropriate training of Oral Healthcare Professional by Companies. Ethical interactions also promote innovation and the on-going development of advanced Dental Technologies through legitimate and transparent collaboration between Oral Healthcare Professionals and Companies. Further, ethical interactions facilitate open and transparent business environments free from corruption, enhancing the ability of Companies to participate in global markets.</p> <p>The overarching purpose of the Code is to encourage, educate on and reinforce the need for ethical dealings by the Dental Industry with Oral Healthcare Professionals. Specifically Companies need to determine with each interaction if the interaction may constitute an inappropriate Inducement or would appear to an ordinary member of the public to be an inappropriate Inducement or dealing that influenced the decision or Product choice of the Oral Healthcare Professional. An inappropriate influence affects the decision of the Oral Healthcare Professional when prescribing a treatment/Product to a patient.</p>

6	Third Party Educational Conferences - Sponsorship
6.1	<p>Where the sponsorship is used to pay for travel, accommodation or attendance costs, a Company should not pay the participating Oral Healthcare Professional directly. The payment may only be made to the Conference Organiser. The focus of the conference must be educational, medical or scientific. A Company may not direct the Conference Organiser to select a particular attendee or speaker but if requested by the Conference Organiser a Company may suggest names for consideration. A Company may not direct the Conference Organiser on content but again may suggest possible content if requested by the Conference Organiser.</p>
6.2	<p>A Company may provide sponsorship for a broad range of purposes - to contribute generally to reduce the cost of the conference to participants, to</p>

		provide grants or direct support by the Conference Organiser to an Oral Dental Professional, or provide support for a participating speaker.
6.3		The Code requires that a Company and the Conference Organiser enter into an agreement that sets out the terms of the arrangement.
6.4		The sponsorship or grant may not be conditional on any obligation to or by the recipient to purchase Product.
6.5		Support from a Member for such activities should be clearly stated in advance of and at the meeting, and should be acknowledged in the proceedings of the meeting, if published.

7	Training Provided By The Company For The Provision Of Product Education, Demonstration And Professional Development	
7.1		Hospitality (ie the provision of food and beverages – excluding Entertainment) may be provided but as an ancillary offering. It should not be the main focus of the training event.
7.2		A Company may pay for the cost of the Oral Dental Professional to attend the education or training but this does not extend to the partner, or guest of the Oral Dental Professional (eg. training, airfares).
7.3		Companies should use simple agreements with Oral Dental Professionals to ensure that everyone is clear on the purpose of the event and what will be provided. An agreement is not required for an event that is modest in size, such as a short seminar. In these circumstances the programme or agenda is sufficient as evidence of the agreed scope of services.
7.4		The Company should not impose any requirement on any Oral Dental Professional to purchase or cause to be purchased any Medical Technologies or other goods or services associated with the training, in consideration for attending the program.

8	Hospitality at Third Party Educational Conferences	
	The overarching purpose of the Code is to encourage, educate on and reinforce the need for ethical dealings by the Dental Industry with Oral Healthcare Professionals. Specifically Companies need to determine with each interaction if the interaction may constitute an inappropriate Inducement or would appear to an ordinary member of the public to be an inappropriate Inducement or dealing that influenced the decision or Product choice of the Oral Healthcare Professional. An inappropriate influence affects the decision of the Oral Healthcare Professional when prescribing a treatment/Product to a patient.	
8.1		A Company may provide Hospitality (ie. food and beverages) at a conference either by providing funds to the Conference Organiser for the purpose or by itself sponsoring an event. In each case the nature of the Hospitality should not be the central focus of the event and must comply with the other provisions of the Code.
8.2		Where a Company itself provides Hospitality it should be open to all Oral Healthcare Professional attendees at the conference (or a subgroup of the conference). This ensures that a Company is not selecting a small number of Oral Healthcare Professionals to whom it will provide Hospitality.
8.3		Any Hospitality should be appropriate in value. This will vary from conference to conference and will need to be measured against the overall size and scale of the event.

9	Hospitality A Company's business interactions with an Oral Healthcare Professional may involve the presentation of scientific, educational, or commercial information. A Company may conduct such exchanges in conjunction with Hospitality as an occasional courtesy provided that:
9.1	the Oral Healthcare Professional should always default to their own professional Code of Practice;
9.2	Companies specifically need to determine with each interaction if the interaction may constitute an inappropriate Inducement or would appear to an ordinary member of the public to be an inappropriate Inducement or dealing that influenced the decision or Product choice of the Oral Healthcare Professional.

10	Gifts
10.1	A Company may provide a gift to an Oral Healthcare Professional that is reasonable and customary in the circumstances of the relationship.
10.2	A Company may not accept a gift from an Oral Dental Professional which is beyond the level of what is reasonable and customary in the circumstances of the relationship.
10.3	Gifts must not be in the form of cash.

11	Free Distribution of Products
11.1	The amount of free or trial Products given to an individual user should be no more than is adequate to allow the user to appropriately assess the Product.

12	Information to the General Public This includes the passing of information regarding Products, by the Dental Industry direct to the general public, through the lay process, the radio or television or by any other means:-
12.1	When information on professional dental matters is passed to the public care should be taken to:- <ul style="list-style-type: none"> a. ensure that public pressure does not unduly influence clinical judgement; b. inform MTANZ as appropriate; c. ensure that all claims made regarding the Product are accurate and can be satisfactorily substantiated; d. ensure that the profession has been kept well informed and is thus able to answer possible enquiries from the public; e. advise the public that in all dental matters they should consult their own Oral Healthcare Professional.

13	Information to Individuals
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13.1	Requests from individual members of the general public on Products may be dealt with by providing factual information concerning the Product. Requests for clinical information should be declined and the enquirer recommended to consult their own Oral Healthcare Professional, the New Zealand Dental Association (NZDA), another appropriate Professional Association or MTANZ.
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14	Administration of the Code of Practice
14.1	Code of Practice Committee - General The Code of Practice Committee (CPC) is established to supervise the administration of the Code and is responsible to the MTANZ Board.
14.2	Composition of CPC CPC shall be made up of: a. A minimum of six Members from MTANZ elected. b. A representative of MTANZ.
14.3	Compliance Mechanisms a. Members should take all measures reasonably required to ensure compliance with the Code by Company Representatives. Companies should adopt effective compliance programs by issuing written policies and procedures, conducting training programs and implementing clear procedures, controls and enforcement mechanisms. b. Members are encouraged to inform all customers, Institutions and Oral Healthcare Professionals of the requirements of the Code. c. Promotional activities which are seen as contravening this Code by a Member; or an interaction with an Oral Healthcare Professional, should be dealt with Company to Company, in the first instance. d. If following intercompany dialogue, the Complaint remains unresolved, a Complainant may lodge a Complaint with the MTANZ CPC. e. The CPC committee should evaluate the Complaint and make recommendations of action to the MTANZ Board. f. In support of a fair and transparent Complaints system, anonymous Complaints are not accepted. g. Notwithstanding the obligations on MTANZ to report on the outcome of Complaints as provided in the Code, all information about a Company, a Complainant, and the subject matter of a Complaint, must be kept confidential by MTANZ until all avenues of appeal are exhausted.

15	Available Sanctions and Reporting
15.1	Where the MTANZ CPC has judged that the Company has breached the Code it shall refer the Complaint to the MTANZ Board with recommendations e.g mediation, sanctions. The MTANZ Board may choose to apply one of the following actions: a. A requirement that the Company take immediate action to discontinue or modify

	<p>any practice which is determined to constitute a Breach of the Code, in which event the Company should confirm in writing to the MTANZ that it has taken the required action within 10 working days of receipt of the decision.</p> <p>b. A requirement that the Company recall and destroy any offending material in which event the Company must confirm in writing to the MTANZ, within 10 working days of receipt of the decision, that it has taken the required action.</p> <p>c. If a Breach of the Code by a Company warrants the suspension or the expulsion of the Company from MTANZ in a manner consistent with the MTANZ Rules, it must make such a recommendation to the MTANZ Board. The Board may deal with the recommendation under the provisions of its constitution.</p> <p>d. Publication of the name of the Company and the Breach of the Code on the MTANZ website.</p> <p>e. Publication of the name of the Company and the Breach of the Code in the MTANZ Annual Report.</p> <p>f. Notification of any unethical business behaviour to any private or public procurement agency.</p>
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